

APPEAL NO. 032463
FILED NOVEMBER 5, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 27, 2003. The record closed on August 15, 2003. The hearing officer determined that the impairment rating (IR) of appellant (claimant) is 2%. Claimant appealed this determination, contending that his IR is 30%, as first certified by the designated doctor, Dr. K on October 4, 2002. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order on any ground supported by the evidence.

DECISION

We reverse and remand.

In this case, it appears that the hearing officer sought clarification from the designated doctor and received an August 12, 2003, clarification letter on August 15, 2003. To review the decision of the hearing officer, the Appeals Panel considers the record of the hearing. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.2 (Rule 143.2). The record does not include the August 12, 2003, letter from the designated doctor because the hearing officer did not admit it as an exhibit. However, the hearing officer discussed this August 12, 2003, letter in her decision. The hearing officer did not forward a copy of the letter to the parties. We find it difficult to consider the appeal and discuss the evidence in the record and consider the applicable law given the state of the record on appeal. We must remand for the hearing officer to admit the letter, forward a copy of the letter to the parties, and consider the letter along with Rule 130.6(i).

The hearing officer's decision and order are reversed and the case is remanded for proceedings consistent with this decision. Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN INTERSTATE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**STEVE ROPER
1616 SOUTH CHESTNUT STREET
LUFKIN, TEXAS 75901.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge